

January 18, 2022

Forrest Buffington
Attorney at Law
Barber & Borg, LLC
Navajo Injury Law Center
6240 Riverside Plaza Lane NW, Suite 250
Albuquerque, NM 87120

RE: Minnie Taylor as Personal Representative to the Estate of Louie Taylor, and Harold Cuthair vs United States of America

Dear Mr. Buffington:

I, Virginia E. Harvey, MD am a physician licensed to practice medicine in the state of New Mexico. I am Board Certified in Emergency Medicine by the American Board of Emergency Medicine. I actively practice Emergency Medicine. Further details regarding my professional activities are provided in my curriculum vitae.

I have reviewed the following records:

1. Autopsy Report completed by University of New Mexico (UNM), School of Medicine, Office of the Medical Examiner, Forensic Pathologist Satish Chundru, Case #2020-01405
2. NMS Labs Toxicology Report for Louie Dean Taylor, Issued 03/20/2020
3. State of New Mexico Certificate of Death for Louie Dean Taylor, Filed March 11, 2020
4. U.S. Department of Interior, Bureau of Indian Affairs, In Custody Death Investigation, Case Number I20000058, SUMMARY OF FACTS
5. NNDOC Medical Screening Form filled out by CO Ariel Lauing-Simms
6. NNMC Medical Records, Health Summary and Emergency Room Treatment for Louie Taylor on March 1, 2020.

This report serves to answer the following question:

1. Given the amount of amphetamine and methamphetamine found in Mr. Taylor's system noted on the Toxicology Report, could Mr. Taylor have been saved if he received timely medical intervention?

This is a report based on my review of the medical records and documents available to me at the time. I reserve the right to amend this report if any additional information becomes available. My opinions are based on my knowledge, skill, education, training, and experience in the field of Emergency Medicine, as well as published scientific literature, medical literature, government websites, database searches, books, and articles.

SUMMARY OF EVENTS

On February 29, 2020 around 7:48 p.m., a sergeant from the Navajo Nation Division of Public Safety (NNDPS) was dispatched to a residence regarding a male who was "acting in a disorderly manner." This male, identified as Louie Taylor, proceeded on foot to Northern Navajo Medical Center (NNMC) where he was found to be "banging on the windows," at NNMC. Mr. Taylor was detained at approximately 8:17 p.m. and transported to the Shiprock Adult Detention Center. During this time, he was reported to have been stating that "aliens were coming for him."

patients who have survived severe methamphetamine overdoses.^{7,8} It is therefore very difficult to attempt to correlate postmortem blood concentrations with a likelihood of death due to toxic effects alone. Understanding these limitations, if one were to compare the concentration of methamphetamine found in Mr. Taylor's postmortem femoral blood (690 ng/mL) to published concentrations that are expected to result in coma or death, Mr. Taylor's values would fall below the lower limit of this range (1000 ng/mL).⁹ Therefore, while Mr. Taylor was clearly suffering the toxic effects of methamphetamine, made most obvious at the time by his clinical presentation, his post mortem femoral blood concentrations were not exceptionally high as to suggest a unsurvivable overdose and he likely could have been saved by timely medical intervention.

OPINIONS

In summary, on February 29, 2020, Mr. Taylor appeared to be suffering from moderate to severe methamphetamine toxicity including significant psychomotor agitation, hallucinations, and paranoia. Patients who suffer acute methamphetamine toxicity are at risk for several life-threatening, yet largely treatable, complications. These include, but are not limited to, severe hypertension, stroke, vascular injury, seizures, severe electrolyte derangements, cardiac arrhythmias, heart attacks and kidney failure. From the documentation provided, Mr. Taylor had no significant medical co-morbidities and there were no findings on his autopsy that would suggest an unsurvivable co-condition. Additionally, and notwithstanding limitations in the interpretation of postmortem blood concentrations for toxic substances, Mr. Taylor's femoral blood concentration of methamphetamine was not exceptionally high as to suggest an unsurvivable overdose. It is therefore my medical opinion to a reasonable degree of medical certainty that had Mr. Taylor been afforded timely and appropriate medical care, it is likely the toxic effects of methamphetamine could have been discovered and treated, thereby preventing his death.

Respectfully,

Virginia E. Harvey, MD

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⁷ A.W. Jones, A. Holmgren, Concentration Ratios of Methamphetamine to Amphetamine in Blood Can Help to Distinguish Use of Methamphetamine from Various Mixtures of the Two Stimulants, *Journal of Analytical Toxicology*, Volume 36, Issue 9, November/December 2012, Pages 634–637, <https://doi.org/10.1093/jat/bks075>

⁸ Kashani, J., & Ruha, A. M. (2004). Methamphetamine toxicity secondary to intravaginal body stuffing. *Journal of Toxicology: Clinical Toxicology*, 42(7), 987–989. <https://doi.org/10.1081/clt-200042554>

⁹ Schulz, M., Schmoldt, A., Andresen-Streichert, H. *et al.* Revisited: Therapeutic and toxic blood concentrations of more than 1100 drugs and other xenobiotics. *Crit Care* 24, 195 (2020). <https://doi.org/10.1186/s13054-020-02915-5>